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*The St. Paul's Castle Hill Sale and Mortgage Ordinance 1932.*

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No. 13, 1932.

AN ORDINANCE to authorise the sale and mortgage of certain lands situated in the Parish of St. Paul at Castle Hill and to provide for the application of the proceeds thereof and for other purposes.

WHEREAS by Indenture of Conveyance made the eleventh day of July one thousand eight hundred and sixty-six between John Williams of the one part and John William Foster Thomas Best and Samuel Schofield of the other part Registered No. 331 Book 99 the land therein described (hereinafter called the "said acquired land") was acquired upon trust for the site of a Parsonage House or Minister's dwelling for the Licensed Minister of the Church of England in the District of Castle Hill AND WHEREAS the said acquired land is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called "the trustees") AND WHEREAS the Church took possession of the said acquired land and also of certain other land (hereinafter called "the said possessory title land") which adjoined the Western boundary of the said acquired land and fenced in both parcels of land and erected thereon a Parsonage.

AND WHEREAS in pursuance of the powers conferred by the "St. Paul's Castle Hill Sale Ordinance of 1931" the Trustees sold to the Baulkham Hills Shire Council a portion of the said acquired land having frontages to the Great Northern Road and Parsonage Lane.

AND WHEREAS the said Council used the land sold to it as aforesaid for widening the roads now known as The Great Northern Road and Parsonage Lane and with the knowledge and approbation of the Church also used a strip of the said possessory title land for the purpose of widening Parsonage Lane leaving a residue thereof which is now bounded on the North by Parsonage Lane, on the East by the Western boundary of the residue of the said acquired land on the South by the Northern boundary of Lot 24 of certain land brought under the provisions of the Real Property Act in pursuance of Application No. 13578, and on the West by Russell Street.

AND WHEREAS certain land comprised and described in Certificate of Title registered Volume 3652 Folio 137 adjoining the southern boundary of the said acquired land is vested in the trustees upon trust as a site (inter alia) for a parsonage.

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AND WHEREAS the last mentioned land and those portions of the said acquired and possessory title lands not used as aforesaid for widening of roads are fenced in as one block and are still used as heretofore as a site for a Parsonage and are hereinafter called "The Old Rectory Site."

AND WHEREAS certain land (hereinafter called "The New Rectory Site") comprised and described in Certificate of Title Registered Volume 4528 Folio 240 was purchased in compliance with the provisions of the Castle Hill Parish (Glebe) Sale and Purchase Ordinance 1930 and is now vested in and held by the Trustees Upon Trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Castle Hill.

AND WHEREAS the sum of approximately eight hundred and sixty-eight pounds (£868) is now available to be applied in accordance with the provisions of the said recited Ordinances in the erection of a Rectory on the New Rectory Site and additional moneys are required for such purpose.

AND WHEREAS in order to raise such additional moneys it is expedient to authorise the selling or mortgaging of the old rectory site and the mortgaging of the new rectory site.

AND WHEREAS the said Parish by its Rector and Churchwardens has undertaken that it will raise a sum of not less than fifty pounds each year towards paying off the moneys borrowed under the authority of this ordinance.

AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to vary the said trusts in manner hereafter appearing:—

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ORDAINS and DECLARES as follows:—

1. The Standing Committee hereby consents to the said possessory title land being vested and the same is vested accordingly in the Trustees.

2. By reason of circumstances subsequent to the creation of the Trusts to which the Old Rectory Site and New Rectory Site are subject it has become inexpedient to carry out and observe such Trusts in so far as such Trusts are hereby varied.

3. The Trustees are hereby authorised to sell the Old Rectory Site by public auction or private contract and either as a whole

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or in lots for cash or on credit at such price or prices and upon such terms and conditions in all respects as the Trustees may deem proper with power to vary or rescind any contract for sale and to buy in at any auction.

4. The Trustees shall have full power to lay out and make through or over the land authorised to be sold such roads streets ways and other works and to grant such easements as to the Trustees may seem necessary or proper.

5. (1) The Trustees are hereby empowered to mortgage from time to time the whole or any part of the old Rectory site and/or the new Rectory site for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding seven hundred pounds.

(b) When the power is subsequently exercised such sum not exceeding seven hundred pounds as the Standing Committee shall by resolution determine.

(2) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.

(3) A document purporting to be certified by the Archbishop or Registrar of the said Diocese as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgagee be conclusive evidence that such resolution was duly passed.

6. The proceeds of the said sale and of any mortgage hereby authorised shall stand charged with the payment of the costs charges and expenses of and incidental to this Ordinance and the said sale and mortgage including the bringing of the Old Rectory Site under the provisions of the real Property Act and subject thereto such proceeds shall be applied in and towards the erection of a Rectory on the New Rectory Site or the satisfaction of any moneys for the time being secured by any Mortgage hereby authorised Provided always and the Trustees are hereby authorised to pay any part of the said proceeds of sale or mortgage to the Rector and Churchwardens for the time being of the Church of St. Paul Castle Hill whose receipt shall be a sufficient discharge therefor and who shall apply such part in and towards the erection of the said New Rectory.

7. If there should remain any part of the proceeds of the said sale not used for the purposes hereby authorised it may be

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applied for such other purpose within the said Parish as the Archbishop in Council shall determine.

8. This Ordinance may be cited as "The St. Paul's Castle Hill Sale and Mortgage Ordinance 1932."

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I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

W. J. G. MANN,  
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-eighth day of November, 1932.

C. R. WALSH,  
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

30th November, 1932.